

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JANE DOE 2 and JANE DOE 3,

Plaintiffs,

v.

Civ. No. 24-371 GJF/GBW

NEW MEXICO STATE UNIVERSITY, *et al.*,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. Plaintiff filed suit against numerous Defendants on April 18, 2024. *Doc. 1*. In a recent status conference in another case (Case No. 23-cv-1059 GBW/KRS), the Court noted that the instant matter appears to be identical to the other case. Clerk's Minutes for Trial Scheduling Conference at 1, *Williams et al. v. New Mexico State Univ. et al.*, No. 23-cv-1059 GBW/KRS, *doc. 59* (D.N.M. July 24, 2024). At the conference, Plaintiffs' counsel acknowledged that the matters are now identical and stated that Plaintiffs will move to dismiss the instant matter. To date, however, Plaintiffs have not moved to dismiss the instant matter.

Further, Plaintiffs in the instant matter are not in compliance with rules regarding service of process. Federal Rule of Civil Procedure 4(m) provides, in relevant part:

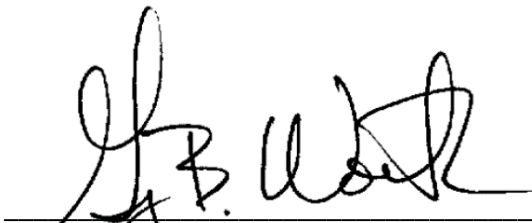
If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must

dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

In removed cases, the 90-day period begins upon the date of removal. *See* 28 U.S.C. § 1448. More than 90 days have elapsed since this action was removed to district court, and there is no indication that any of the defendants have been served.

Plaintiffs are therefore directed to show cause no later than **August 20, 2024**, why their case should not be dismissed without prejudice as to the unserved defendants for failure to comply with the service and time provisions of Rule 4(m). **Should Plaintiffs move to dismiss the instant matter before August 20, 2024, no show cause response is necessary.**

IT IS SO ORDERED.



GREGORY B. WORMUTH
CHIEF UNITED STATES MAGISTRATE JUDGE